

Appl. No. 10/821,558
Amendment and/or Response
Reply to Office action of 7 June 2006

Page 8 of 11
RECEIVED
CENTRAL FAX CENTER

REMARKS / DISCUSSION OF ISSUES

SEP 07 2006

Claims 1-27 are pending in the application.

The Office action rejects claims 1, 2, 7, and 11 under 35 U.S.C. 102(e) over Nolan et al. (USP 7,013,257, hereinafter Nolan). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-10 depend, claims a simulation system that includes a node simulator that simulates events to determine characteristics associated with the occurrence of the event, a cache that is configured to store the characteristics, and a cache controller that determines whether:

to invoke the node simulator to determine the one or more characteristics associated with a subsequent event or

to retrieve the one or more characteristics associated with the subsequent event from the cache.

Nolan fails to teach a cache controller that determines whether to invoke the node simulator to determine the one or more characteristics associated with a subsequent event, or to retrieve the one or more characteristics associated with the subsequent event from the cache.

The Office action fails to identify a component in the simulation system of Nolan that corresponds to the claimed cache controller.

Appl. No. 10/821,568
Amendment and/or Response
Reply to Office action of 7 June 2006

Page 9 of 11

Nolan teaches a conventional simulation system, wherein during simulation, an application program 67 stores characteristics of the simulated events in a database for subsequent access. The Office action apparently associates Nolan's database to the claimed cache. Although cache is generally interpreted as being temporary storage, the applicants acknowledge that storing information in a database can be broadly interpreted as caching that information. However, Nolan fails to teach a cache controller that determines whether to invoke the node simulator to determine the one or more characteristics associated with a subsequent event, or whether to retrieve the one or more characteristics associated with the subsequent event from the cache.

In Nolan's system, the simulator is run and the event characteristics are stored. Nolan does not teach or suggest that the stored characteristics are retrieved during this simulation to determine the characteristics of a subsequent event, as specifically claimed in claim 1. Nolan specifically teaches performing a simulation to store the characteristics followed by observation and processing of these stored characteristics:

"Once a communication system is simulated and put through the aforementioned dynamic tests, the response can be observed. For example, a parameter value or metric located in a digital signal processor used in a test modem can be observed, or have its history logged and filed for later retrieval and examination." (Nolan, column 8, lines 29-34.)

That is, Nolan specifically teaches that all events are simulated, and then the resultant characteristics are viewed. Because all events are simulated, there is no component in Nolan that determines whether to perform simulation to determine the characteristics of a subsequent event; the simulation is unconditionally performed to determine the characteristics. Similarly, because all events are simulated and then the characteristics are observed, there is no component in Nolan to determine whether to retrieve the characteristics of a subsequent event from the cache, because at the time of observation, all of the events have been simulated, and there are no 'subsequent' events beyond those that were simulated.

Appl. No. 10/821,558
Amendment and/or Response
Reply to Office action of 7 June 2006

Page 10 of 11

Because Nolan fails to teach a cache controller that determines whether to invoke the node simulator to determine the one or more characteristics associated with a subsequent event, or to retrieve the one or more characteristics associated with the subsequent event from the cache, and because the Office action fails to identify a component in the simulation system of Nolan that corresponds to this cache controller, the applicants respectfully maintain that the rejection of claims 1, 2, and 7 under 35 U.S.C. 102(e) over Nolan is unfounded, per MPEP 2131.

In like manner, claim 11, upon which claims 12-19 depend, claims a simulation method that includes determining an event to be simulated; and

if a similar event has been simulated previously: retrieving characteristics associated with the similar event from a cache;

otherwise: simulating the event to determine characteristics associated with the event.

Nolan fails to teach determining an event to be simulated and, if a similar event has been simulated previously, retrieving characteristics associated with the similar event from a cache; otherwise, simulating the event to determine characteristics associated with the event.

As noted above, Nolan teaches that all events are simulated. Nolan is silent with regard to "similar events", and cannot be said to condition the determination of characteristics of an event based on whether such a similar event has previously been simulated, as specifically claimed in claim 11.

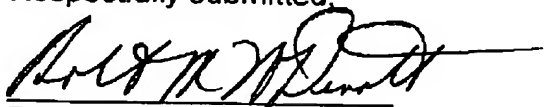
Because Nolan fails to teach either retrieving characteristics from a cache or simulating an event to determine the characteristics based on whether a similar event has previously been simulated, as specifically claimed in claim 11, the applicants respectfully maintain that the rejection of claim 11 under 35 U.S.C. 102(e) over Nolan is unfounded, per MPEP 2131.

Appl. No. 10/821,658
Amendment and/or Response
Reply to Office action of 7 June 2006

Page 11 of 11

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Attorney
Registration Number 41,508
patents@lawyer.com

RECEIVED
CENTRAL FAX CENTER

SEP 07 2006

1824 Federal Farm Road
Montross, VA 22520
Phone: 804-493-0707
Fax: 215-243-7525